

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION CORPORATION,  Plaintiff-Applicant,  v.  BERNARD L. MADOFF INVESTMENT SECURITIES LLC,  Defendant.	Adv. Pro. No. 08-01789 (CGM)  SIPA Liquidation  (Substantively Consolidated)
In re:  BERNARD L. MADOFF,  Debtor.	
IRVING H. PICARD, Trustee for the Substantively Consolidated SIPA Liquidation of Bernard L. Madoff Investment Securities LLC and the Chapter 7 Estate of Bernard L. Madoff,  Plaintiff,  v.  CREDIT SUISSE AG, as successor-in-interest to Clariden Leu AG and Bank Leu AG;  Defendant.	Adv. Pro. No. 12-01676 (CGM)

**STIPULATION AND ORDER TO WAIVE ARGUMENT**

Irving H. Picard (the “Trustee”), as trustee for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC, under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa–lll, and the estate of Bernard L. Madoff, under Chapter 7 of the United States Bankruptcy Code, 11 U.S.C. §§ 701-784, and defendant Credit Suisse AG, as successor-in-interest to Clariden Leu AG and Bank Leu AG (“Defendant,” and together with the Trustee, the “Parties”), by and through their respective undersigned counsel, stipulate and agree as follows:

**WHEREAS**, on June 29, 2022, Defendant filed a motion to dismiss the Trustee's amended complaint (the "Motion") [ECF No. 87], with a supporting memorandum of law [ECF No. 88]; on August 29, 2022, the Trustee filed an Opposition to Defendant's Motion [ECF No. 91] (the "Opposition"); and on September 29, 2022, Defendant filed a reply in further support of its Motion [ECF No. 96] (the "Reply," and together with the Motion and Opposition, the "Briefing");

**WHEREAS**, on September 26, 2022, the Court entered a stipulation and order adjourning the hearing on the Motion from October 19, 2022 to November 16, 2022, at 10:00am (prevailing Eastern time) [ECF No. 93]; and

**WHEREAS**, the Parties have conferred and agree to rest on their papers and waive oral argument on the Motion.

**IT IS HEREBY STIPULATED AND AGREED**, by the Parties, and **SO ORDERED**, by the Court:

1. The Court will not hear oral argument on the Motion, and thus the hearing scheduled for 10:00 am on November 16, 2022 to consider the Motion is hereby cancelled and removed from the Court's calendar.
2. The Parties request that the Court issue its ruling based on the Briefing.
3. The Parties otherwise reserve all rights, arguments, objections, and defenses they may have, and their entry into this Stipulation shall not impair or otherwise affect any such rights, arguments, objections, and defenses.

Dated: November 9, 2022  
New York, New York

**WINDELS MARX LANE &  
MITTENDORF, LLP**

By: /s/ Kim M. Longo  
Robert J. Luddy  
Kim M. Longo  
Alex Jonatowski  
156 West 56th Street  
New York, New York 10019  
Telephone: (212) 237-1000  
rluddy@windelsmarx.com  
klongo@windelsmarx.com  
ajonatowski@windelsmarx.com

*Special Counsel to Irving H. Picard, Trustee  
for the Substantively Consolidated SIPA  
Liquidation of Bernard L. Madoff  
Investment Securities LLC and the  
Chapter 7 Estate of Bernard L. Madoff*

**O'MELVENY & MYERS LLP**

By: /s/ Daniel S. Shamah  
William J. Sushon  
Daniel S. Shamah  
Kayla Haran  
7 Times Square  
New York, New York 10036  
Telephone: (212) 326-2000  
wsushon@omm.com  
dshamah@omm.com  
kharan@omm.com

*Attorneys for Defendant Credit Suisse AG,  
as successor-in-interest to Clariden Leu AG  
and Bank Leu AG*

**SO ORDERED:**

**Dated: November 14, 2022  
Poughkeepsie, New York**



/s/ Cecelia G. Morris

**Hon. Cecelia G. Morris  
U.S. Bankruptcy Judge**